



PRISON LAW OFFICE

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Hello,

The coronavirus or COVID-19 emergency has had a great impact everywhere, including in CDCR. To try to slow down the spread of the virus, CDCR has among other things shut down or modified many programs including visiting, issued educational information (the most recent is attached to this letter), closed or slowed down intake from county jails, and limited transfers between prisons. To reduce crowding, CDCR in March released 3,500 people early. **In July, CDCR: (1) awarded 12 weeks of time credit to most people and (2) started programs to consider early release for some (A) within 180 days of release, (B) at “high risk” for medical complications from COVID-19, or (C) within one year of release and housed at certain prisons (see attached information).** CDCR has also tried to establish social distancing practices (keeping people six feet apart and establishing groups of eight people in dorms), and provided cloth face coverings which staff and incarcerated people must wear. It also tests staff for COVID-19 at all prisons, and screens staff and sends them home if a nurse says they are sick. It also uses quarantines for incarcerated people who might be sick and medical isolation for those who are. CDCR also plans to offer some patients transfers from dorms to cells.

CDCR has also made changes to medical and mental health care, such as postponing or cancelling on-site and off-site non-essential appointments. The changes have been made to prevent the spread of the virus, to account for staff who are cannot work because they are sick or taking care of family, and so that staff can focus on those who might be or are infected with the virus.

CDCR medical staff tests people for COVID-19. People who report symptoms are tested, others are tested randomly, and sometimes an entire housing unit, yard, or prison is tested. Currently, almost 70,000 in CDCR have been tested. Almost 8,300 have been confirmed to have COVID-19. Forty-nine (49) people have died from the disease, and hundreds hospitalized. Almost 6,600 are said to be “resolved” (meaning they are recovered and no longer considered infectious). A list of prisons with the most confirmed COVID-19 cases is attached to this letter; if your prison is not listed it means it has had very few or no cases. *Every day more tests are done and more test results received, so this information changes frequently.* **If you are not feeling well (see attached symptoms) you should let staff know right away.**

We are closely monitoring what CDCR does in response to the virus and working hard to make sure that they provide necessary health care and take necessary preventive measures. You can write us if you have concerns and we will review what you send. We believe CDCR’s crowded conditions cause an unacceptable risk of harm from COVID-19, especially to those over age 65 or who have certain medical **(Letter continues on other side of page)**

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conditions, especially in dorms or older prisons. Unfortunately, in March and April the courts denied our motions for an order requiring CDCR to release people, or to submit a plan to keep safe those at highest risk for severe complications from the virus.

We continue to fight for your rights and those of everyone else in CDCR by doing what we can to force CDCR to take steps to reduce the risk from COVID-19. This includes in the federal class actions about medical care (*Plata*), mental health care (*Coleman*), and disability accommodations (*Armstrong*). We believe our work was a major reason CDCR will offer some patients a transfer from a dorm to a cell, started new early release programs, and – via *Plata* court orders we argued for – now tests staff for COVID-19 and is setting aside empty beds at each prison to use for medical isolation and quarantines. In the *Coleman* case, we have asked for proceedings that could result an order requiring release of mental health patients. In *Armstrong*, we asked for and CDCR agreed to an order that prohibits housing people with disabilities who have not tested positive in units with people who have confirmed, active COVID-19, and requires accessible housing for those on medical isolation or quarantine.

We are sorry that we cannot help you or any individual get released from prison.

Important Advice Regarding COVID-19 / Coronavirus

The coronavirus is very contagious. Most who get COVID-19 have no or mild symptoms. Some, especially the elderly and those with serious medical conditions, can get very sick (pneumonia) or die. Experts say it is crucial to avoid close contact with (stay six feet from) people and wear a mask as much as possible to reduce the chances of catching or spreading the virus. Many people who have the virus and are contagious have no symptoms or only minor ones, so you may not know if you or others are infected and can infect others. It is safest to assume that anyone can have the virus, and to reduce contact in order to protect yourself. You should also wash your hands a lot, and not touch your face. If you are not feeling well, let staff know immediately. You can put in a Form 7362 (sick call slip). If you have an emergency or urgent medical care concern, tell any staff member at any time.

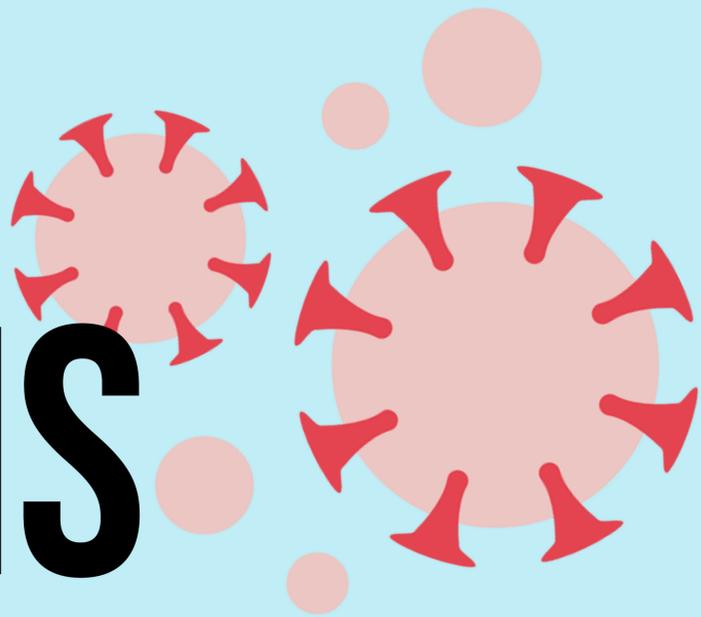
Important Advice Regarding Other Medical or Mental Health Care Issues

You may have a medical care or mental health issue that is not related to COVID-19. You should continue to let staff know about your symptoms or problem, including by putting in a Form 7362. All 7362s with symptoms of a medical condition should result in a face-to-face triage with a registered nurse, although such appointments may be at your cell or dorm or, if for a non-urgent condition, delayed, depending on the circumstances at your prison. You should also continue to receive any medication ordered by your doctor. Pill lines may be run differently, or even delivered cell front, depending on staffing and quarantines. Also, medical staff should promptly respond to medical emergencies, and send a person to a community hospital if needed. Similarly, mental health emergencies should result in a prompt evaluation by a clinician, and a transfer to an actual or temporary crisis bed if necessary. You should tell any staff member at any time if you have an emergency or urgent health care issue.

Please take care, stay well, and look out for each other.

-- Prison Law Office

COVID-19 SYMPTOMS



NEW OR WORSENING...



Cough



**Shortness
of breath**



**Difficulty
breathing**



Fever



Chills



Muscle pain



Sore throat



**Loss of
taste/smell**

SYMPTOMS MAY APPEAR

2-14 DAYS

AFTER EXPOSURE
TO THE VIRUS

EMERGENCY WARNING SIGNS

Seek medical
attention immediately if
you are experiencing

- **Trouble breathing**
- **Persistent pain or pressure in the chest**
- **New confusion**
- **Bluish lips or face**

File **FORM 7362** if you
have any symptoms
that concern you

Chart from CDCR website, Monday, August 3, 2020

If a prison is not listed it has had less than seven COVID-19 patients.

Please note the different column headings.

CDCR PATIENTS: CONFIRMED COVID-19 AND OUTCOMES



Institution	Institution Name	Confirmed	New In Last 14 Days	Active In Custody	Released While Active	Resolved	Deaths
SQ	CA State Prison, San Quentin	2,184	69	145	53	1,965	21
ASP	Avenal State Prison	1,402	336	358	53	986	5
CIM	CA Institution for Men	1,072	22	38	33	982	19
CVSP	Chuckawalla Valley State Prison	1,054	3	1	17	1,034	2
CCC	CA Correctional Center	585	86	154	29	402	0
CCI	CA Correctional Institution	569	244	248	43	278	0
CRC	CA Rehabilitation Center	385	62	62	11	312	0
CIW	CA Institution for Women	328	141	150	9	168	1
COR	CA State Prison Corcoran	186	22	23	2	160	1
WSP	Wasco State Prison	166	40	87	20	59	0
LAC	CA State Prison, LA County	136	1	3	1	132	0
ISP	Ironwood State Prison	55	8	23	4	28	0
CEN	Centinela State Prison	39	7	21	0	18	0
CAL	Calipatria State Prison	25	1	12	8	5	0
CMC	CA Mens Colony	21	10	10	0	11	0
CCWF	Central CA Women's Facility	13	12	13	0	0	0
MCSP	Mule Creek State Prison	12	12	12	0	0	0
NKSP	North Kern State Prison	10	0	4	0	6	0
SATF	Substance Abuse Treatment Facility	7	2	5	0	2	0
State Total		8,287	1,089	1,388	285	6,565	49



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CDCR's 12 week time credit award and new early release programs (August 2020)

In response to COVID-19, to reduce the prison crowding, CDCR in awarded 12 weeks of time credit to most people, and started programs to consider early release programs for some who are: (1) within 180 days of release, (2) designated medical "high risk" and within five years of release, or (3) within one year of release and housed at certain prisons. This letter has information about these things.

12 Weeks of Time Credit: Everybody received a one-time special award of 12 weeks of time credits, unless they (1) are condemned or serving LWOP, or (2) were found guilty of a Rules Violation Report between March 1 and July 5, 2020 (or are found guilty of a pending RVR from that period). The credits were awarded under Title 15, section 3042.6, which allows CDCR to give credit to those who provide exceptional assistance in maintaining prison safety and security.

Early Release Programs: CDCR will consider early release for some who have (1) 180 days or less to serve; (2) at "high risk" for medical complications from COVID-19; or (3) less than one year to serve and housed at certain prisons. These releases are being done under California Government Code section 8658. That law gives the CDCR Secretary the authority to remove or release people from prison in an emergency. There are no official documents regarding these programs. No one is required to be released. The following information is from CDCR's website (see <https://www.cdcr.ca.gov/news/2020/07/10/cdcr-announces-additional-actions-to-reduce-population-and-maximize-space-systemwide-to-address-covid-19/>).

(1) Early release for some people with 180 days or less to serve (all prisons, on-going)

According to CDCR, incarcerated people must meet **all** of the following criteria to be considered for this kind of early release:

- Have 180 days or less to serve on their sentence
- Are not currently serving time for domestic violence, or a violent or serious crime as defined by law
- Have no current or prior sentences that require them to register as a sex offender under Penal Code 290
- Not have a California Static Risk Assessment score indicating a high risk for violence
- Must submit to COVID-19 testing

CDCR says these release considerations will continue on a rolling basis until CDCR determines they are no longer necessary. CDCR says in July it released more than 4,400 people early under this program.

Please see other side of page for information on other early release programs.

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(2) Early release for some people at “high risk” for medical complications from COVID-19 (all prisons, on-going) [CDCR says 6,200 people will be considered]

According to CDCR, people must meet **all** of the following criteria to be considered for this early release:

- Deemed high risk for COVID-19 complications by CCHCS; this means having COVID weighted score of four or higher: those age 65 and over automatically have four points; those age 64 and younger may have a score of four depending on their medical conditions¹
- Not serving LWOP or condemned
- Have an assessment indicating a low risk for violence
- No high-risk sex offenders (HRSO)
 - HRSO indicates a convicted sex offender who is required to register pursuant to Penal Code Section 290, and has been identified to pose a higher risk to commit a new sex offense in the community, as determined using a standard risk assessment tools for sex offenders.

(3) Early release for some people with less than one year to serve and housed at certain prisons

This early release program only applies to people at San Quentin State Prison (SQ), Central California Women’s Facility (CCWF), California Health Care Facility (CHCF), California Institution for Men (CIM), California Institution for Women (CIW), California Medical Facility (CMF), Folsom State Prison (FOL) and Richard J. Donovan Correctional Facility (RJD). We are sorry if you are not at one of these prisons (we have asked CDCR to add other prisons to this list).

According to CDCR, people in the prisons listed above must meet **all** of the following criteria to be considered for early release:

- Have 365 days or less to serve on their sentence
- Are not currently serving time for domestic violence or a violent crime as defined by law
- Have no current or prior sentences that require them to register as a sex offender
- Not have an assessment indicating a high risk for violence

According to CDCR, people who are 30 and over and meet the eligibility criteria above are immediately eligible for release. Those who meet these criteria and are age 29 or under will be reviewed on a case-by-case basis for release. CDCR will consider medical risk, case factors, and time served, among other factors, in determining whether to expedite release for those in that group.

CDCR says these release considerations will continue on a rolling basis until CDCR determines they are no longer necessary.

+++++ We do not have further information at the present time about these early release programs. As stated above, no one is required to be released. We are sorry, but we are not able to help you be considered for or to get released. If you believe you are eligible for release consideration, we advise you to contact your correctional counselor through open line, a Form 22, or a CDCR 602. -- **Prison Law Office (August 2020)**

¹ The CCHCS COVID Weighted Risk Score Factors, with their weights in parentheses, are: Age 65+ (4), Advanced Liver Disease (2), Persistent Asthma (1), High Risk Cancer (2), Chronic Lung Disease - Other (including Cystic Fibrosis, Pneumoconiosis, or Pulmonary Fibrosis) (1), COPD (2), Diabetes (1), High Risk Diabetes (1), On Dialysis (2), Heart Disease (1), High Risk Heart Disease (1), HIV/AIDS (1), Poorly Controlled HIV/AIDS (1), Immunocompromised (2), Morbid Obesity (1), Other High Risk Chronic Conditions (1), and Pregnancy (1). We have asked CDCR medical to add other medical conditions to this list.